



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,194	04/09/2004	Yoshihiko Sano	163852020900	8606

7590

08/22/2006

Barry E. Bretschneider  
Morrison & Foerster LLP  
Suite 300  
1650 Tysons Boulevard  
McLean, VA 22102

EXAMINER

MALLARI, PATRICIA C

ART UNIT

PAPER NUMBER

3735

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/821,194

Applicant(s)

SANO ET AL.

Examiner

Patricia C. Mallari

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a final Office action. Any new grounds of rejection were necessitated by the applicants' amendment to the claims.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

On line 19 of claim 1, "toward to" should be replaced with "toward". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b)/103(a) as being anticipated by US Patent No. 2,126,263 to Kestenman, or , in the alternative unpatentable over Kestenman in view of US Patent No. 6,314,058 to Lee.

Kestenman teaches a fastener, comprising a belt member 4, 5 adapted to substantially surround a part of a human body (fig. 1; col. 3, lines 14-25 of Kestenman). A winding length adjusting unit 7-9 is connected to the belt member for adjusting a winding length of the blood pressure meter cuff fastener (figs. 2-6 of Kestenman), wherein the winding length adjusting unit is capable of selecting among three states. In a measuring winding length state, the fastener is adjusted to a first winding length

securing the band snugly around the body part (fig. 3; col. 4, lines 60-71; col. 7, lines 34-48 of Kestenman). In a non-measuring winding length state, the fastener is adjusted to a second winding length longer than the first winding length in order to maintain a mounting state thereof on the part of the human body in a non-measuring state (figs. 2, 3; col. 4, lines 60-71; col. 7, lines 13-33 of Kestenman). In a mount/demount length state, the fastener is capable of mounting or demounting on the body part (figs. 4, 5 of Kestenman). The winding length adjusting unit 7-9 is configured has a body section 9 and a sliding section 32 that slides relative to the body section, wherein the sliding section is configured to slide in a direction that enables the measuring winding length to be achieved and in a direction to be released from the body section to acquire the non-measuring winding length (fig. 2; col. 4, lines 60-71 of Kestenman). The sliding section is configured to be accommodated inwardly toward a first body section 9 by a coil spring 60 (fig. 3; col. 6, lines 21-45 of Kestenman). The fastener is configured to adapt to the size of a wrist of the human body in response to a change to the measuring winding length state from the mount/dismount length state (col. 7, lines 12-48 of Kestenman).

As to the language "blood pressure meter cuff fastener" the applicants should note that this merely "intended use" language which cannot be relied upon to define over the prior art since Kestenman teaches all of the claimed structural elements and their recited relationships. The fastener of Kestenman could certainly be used on a blood pressure meter cuff.

In the alternative, Lee teaches a blood pressure cuff meter employing a watch band and fastener (figs. 1-4; col. 2, lines 55-61 of Lee). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of invention to use the fastener of Kestenman on a blood pressure meter cuff, since Kestenman teaches a watch band and fastener, and Lee describes using a watch band and fastener on a blood pressure meter cuff.

Regarding claim 3, the winding length adjusting unit has a first fixing mechanism 9, 32, 60 for selectively fixing one of the measuring winding length state and the non-measuring winding length state between the body section and the sliding section (figs. 2, 3; col. 4, lines 60-75; col. 6, lines 25-45; col. 7, lines 34-49 of Kestenman).

Regarding claim 4, the body section has the first body section 9, second body section 8 provided pivotally on one end of the first body section and which can be folded on the first body section, and a third body section 7 provided pivotally on the other end of the second body section which can be folded on the second body section. The first, second, and third body sections are folded to be superimposed one on another to enable the measuring winding length state and non-measuring winding length state to be achieved (figs. 2-3 of Kestenman).

Regarding claim 5, a second fixing mechanism 12, 30 fixes the measuring winding length state and the non-measuring winding length state is provided between the first and third body section (figs. 5, 6; col. 7, lines 49-55 of Kestenman).

Regarding claim 6, the combination of Kestenman with Lee teaches an electronic blood pressure meter (col. 2, line 55-col. 3, line 3; col. 5, lines 28-47 of Lee) having a blood pressure meter cuff fastener according to claim 1, 3, or 5 (see above).

***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

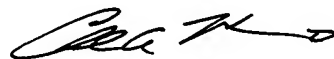
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia C. Mallari whose telephone number is (571) 272-4729. The examiner can normally be reached on Monday-Friday 10:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PCM

  
Charles A. Marmor, II  
SPE, Art Unit 3735